

**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF LABOR**  
**CONCORD, NEW HAMPSHIRE**



V

**ALLEN-FULLER PA**

**DECISION OF THE HEARING OFFICER**

**Appearances:** Natalie J. Friedenthal Esq., Attorney for the Claimant  
John Allen Esq., Employer  
Steven Fuller Esq., Employer

**Nature of Dispute:** RSA 275-E: 4 I Whistleblower's Protection Act

**Employer:** Allen-Fuller PA, 40 Stark Street, 2<sup>nd</sup> Floor, Manchester, NH 03101

**Date of Hearing:** July 31, 2012

**Case No.:** 43533

**BACKGROUND AND STATEMENT OF THE ISSUES**

A Claim was filed with the Department of Labor under the Whistleblowers' Protection Act (RSA 275-E: 4 I). The notice was sent to the employer and there was an objection. The objection was sent to the claimant and there was a request for a hearing. The Notice of Hearing was sent to both parties.

The claimant provided testimony that she felt that fraud was being committed and reported such to her immediate supervisor and one of the owners. The claimant also filed a complaint with the Human Rights Commission. The claimant maintains that the alleged deceit she witnesses met the definition of theft.

The Employer made a Motion to Dismiss with prejudice. They do not believe that any charges were made to show that there were violations of law and that the claimant lost her position with the employer based on her reports of wrong doing.

**FINDINGS OF FACT**

The Hearing Officer took the Motion to Dismiss, With Prejudice, under advisement. The hearing was suspended until a ruling is issued on the Motion to Dismiss.

It is the finding of the Hearing Officer, based on the testimony presented at the hearing and the written documents provided for the hearing, that the Motion to Dismiss is granted. The

review fails to show that there were violations of law and that the reporting of perceived violations led to the termination of employment.

**DECISION AND ORDER**

The Motion to Dismiss is granted, "without" prejudice.

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Thomas F. Hardiman  
Hearing Officer

Date of Decision: August 22, 2012

Original: Claimant  
cc: Employer

TFH/all